

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**BRITNEY WALLS, as Special
Administratrix of the Estate of Bradley
Blackshire, Deceased**

PLAINTIFF

v.

CASE NO.: 4:19-CV-398-BRW

**OFFICER CHARLES STARKS,
OFFICER MICHAEL SIMPSON,
And THE CITY OF LITTLE ROCK,
ARKANSAS**

DEFENDANTS

**MOTION TO WITHDRAW AS COUNSEL OF RECORD
FOR THE CITY OF LITTLE ROCK, ARKANSAS
AND OFFICER MICHAEL SIMPSON**

Counsel for Separate Defendants, City of Little Rock, Arkansas and Officer Michael Simpson (“City Defendants”) come before this honorable court and for their motion to withdraw as counsel of record for the City Defendants state as follows:

1. This case was filed on June 10, 2019, and the City Defendants filed a response on August 14, 2019.
2. On April 10, 2020 the Court issued an Amended Final Scheduling Order that moved the trial date to October 4, 2021. (*See Doc 38*)
3. On April 22, 2020, Assistant Chief Hayward Finks filed a lawsuit against the City of Little Rock, and Chief Keith Humphrey alleging discrimination and work place retaliation based on his evaluation of the officer involved shooting that is the subject of this case.¹ Due to Assistant Chief Fink’s level of management within the Little Rock Police Department (“LRPD”) the Office of the City Attorney submitted that case to the Arkansas Municipal League (“AML”) for coverage and defense.

¹ See Pulaski County Circuit Court Case No. 60CV-20-2718

4. On April 29, 2020, Assistant Chief Alice Fulk filed a lawsuit against the City of Little Rock and Chief Keith Humphrey based on witness retaliation; retaliation under the Arkansas Whistleblower's Act Ark. Code. Ann § 21-1-603; gender discrimination under the Arkansas Civil Rights Act; and failure to train and supervise.² The primary basis for Chief Fulk's claims arise out of her testimony at Officer Starks's civil service hearing. Due to Chief Fulk's level of management in the LRPD the Office of the City Attorney submitted her case to AML for coverage and defense.

5. During the discovery phase of the present case the Office of the City Attorney anticipated that many of the issues that are the subject of Chief Finks and Chief Fulk's respective lawsuits will be the subject of their anticipated deposition and trial testimony in the present case. As such, the Office of the City Attorney is placed in a substantially similar precarious position in further defending the City in the present case. One where you have key witnesses with the potential to bind the client and have pending litigation based on their participation in the matter at issue.

6. As such, the Office of City Attorney submitted the present case to the AML for defense purposes on August 7, 2020, and notified the parties subsequently.

7. For the foregoing reasons Thomas Carpenter, City Attorney, and Alexander J. Betton Chief Deputy City Attorney respectfully request to withdraw as counsel of record for separate defendants, the City of Little Rock, and Officer Michael Simpson.

WHEREFORE, counsel for separate defendants, City of Little Rock and Michael Simpson pray that this court grant their motion to withdraw as counsel of record for said separate defendants.

Respectfully submitted,

Thomas M. Carpenter
City Attorney

² See Pulaski County Circuit Court case no. 60CV-20-2799

By: Alexander J. Betton
Bar Number #2009275
Office of the City Attorney
City Hall - Suite 310
500 West Markham
Little Rock, Arkansas 72201
(501) 371-4527
abetton@littlerock.gov
Attorney for Defendants City of Little Rock
and Michael Simpson